

REGULAR MEETING of the Town Council held on Wednesday, September 28, 2005 at 7:20 o'clock P.M. in the Town Council Chambers, Town Building, 105 Harrisville Main St., Harrisville, for and within the Town of Burrillville.

MEMBERS PRESENT: Council President Wallace F. Lees; Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

MEMBERS ABSENT: Councilor Jacqueline Zahn was excused due to illness.

1. Council President Wallace F. Lees led those present in pledging allegiance to the flag.

2. New Business:

05-308 VOTED to grant the request for Executive Session from Town Manager Michael C. Wood pursuant to Rhode Island Open Meeting Law [42-46-5 (a)(5)] for review and discussions relating to litigation matters.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President

Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

The Town Council returned to open session at 8:10 P.M.

VOTED to seal the minutes of the executive session, noting that no votes had been taken.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

3. VOTED to accept the minutes of the regular meeting held September 14, 2005, and the public hearings held September 14, 2005; and dispense with the reading of said minutes.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

4. Public Comment: None

5. General Good and Welfare of the Town of Burrillville

Councilor William A. Andrews mentioned that the bridge at Spring Lake Road was nearing completion.

Council President Wallace F. Lees discussed the Snakes Alive Road Race scheduled for October 9, 2005.

6. Petitions: None

7. Special Business:

05-309 VOTED to grant private detective license #18 to Jennifer Parkin of Industrial Security & Investigators.

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

8. Unfinished Business:

05-259 VOTED to receive and open the correspondence from Col. Bernard E. Gannon, Chief of Police, regarding recommendations relative to animal euthanasia.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

Discussion: Colonel Bernard E. Gannon, Chief of Police, referred to the report submitted to the Town Council, a copy of which is on file with the record of the meeting. Col. Gannon summarized the report, noting that the use of gas chambers has been prohibited by State law and reviewing recommendations to address the change. Ronald Woods, A.C.O., indicated that most animals that are euthanized are owner-surrendered, and that the recommendation would be that owners must be responsible for their animals. Mr. Woods supported the recommendations set forth by the police chief. Councilor Margaret L. Dudley raised the question of whether there might be an increase in abandoned animals as a result of these policies. Kerry Courtemanche, Assistant ACO, indicated that the department currently handles many cases of abandoned animals and does not project an increase.

Councilor Dudley asked whether the Animal Control Department would recommend a ban on feeding stray animals or imposing a leash law for cats. Mr. Woods discussed the difficulty of enforcing such restrictions.

Michael C. Wood, Town Manager, pointed out that the recommendations would evidence a policy change. Walter J. Kane, Town Solicitor, suggested that fees could be changed by Council resolution and that a specific resolution be submitted for consideration at a future meeting.

VOTED to table to the next Council meeting.

Further Discussion: Councilor Margaret L. Dudley recommended that the issue of supporting legislation that would establish training and certification of animal control officers to administer lethal injections be added to the legislative agenda.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-269 VOTED to continue to the next meeting the correspondence

from Theodore G. Garille, General Manager, Pascoag Utility District regarding their request for a tax abatement policy for the Pascoag Utility District Electric Department.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-274 Proposed amendments to the ordinances of the Town of Burrillville establishing within the Department of Parks and Recreation a division entitled “Extended Care Division” for first reading and scheduling of a public hearing.

VOTED to schedule a public hearing for October 12, 2005.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

9. New Business:

05-310 VOTED to receive and open the correspondence from Michael C. Wood, Town Manager and Thomas J. Kravitz, Town Planner and Economic Development Coordinator regarding recommendations relative to town-owned property at 96 Pascoag Main Street (Laundromat Building).

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

Discussion: Thomas J. Kravitz, Town Planner and Economic Development Coordinator, explained that Vasco Construction has submitted a guaranteed minimum price of \$225,000 to complete the renovations of 96 Pascoag Main St. Mr. Kravitz said that budgeted amount is \$200,000, resulting in the request for an appropriation of an additional \$25,000. Mr. Kravitz suggested that this rehabilitation would stabilize the building, allowing it to be sold. The scope of work was discussed.

VOTED to grant the extra \$25,000 and that, in relation to the Laundromat renovation project of 96 Pascoag Main Street, we make the following findings:

- 1. The Laundromat building continues to deteriorate and represents a public health and safety threat to the Town as it currently exists.**
- 2. The Town has already sought bids on this project and the only responding bid was well in excess (80%) of the amount budgeted.**
- 3. This particular project also required specialization in historic renovation. The Town has met with a prospective contractor that had been recommended by a funding agency that has expertise in historic renovation.**
- 4. Considering the first item, it is understood that the timeframe to complete the required work is short.**
- 5. To resolve the problem, the Town, its architect, and the funding agency's recommended contractor have modified the plans and project scope, thereby achieving a forty percent reduction in cost over the price obtained by competitive bidding.**

Based upon all of the above items, we believe this to be an emergency situation and are seeking to award a sole-source contract to a company who can complete the project in a safe and timely manner.

Therefore, it is recommended to proceed with allowing Vasco Construction to stabilize and complete the Laundromat project.

to award a contract in the amount of \$225,000 to Vasco Construction of 1460 Fall River Avenue, Suite 5, Seekonk, MA, 02771 for

repair/rehabilitation of town-owned property in Pascoag, Map 175, Lot 41 (Laundromat Building);

to appropriate the sum of \$25,000 and a contingency in the amount of \$5,000 from the Town's undesignated, unreserved fund, to be utilized to effect repairs/rehabilitation to town-owned property in Pascoag, Map 175, Lot 41 (Laundromat Building);

and, upon completion of the repairs/rehabilitation of this town-owned property, that the Town Manager place the property up for sale. The Town Council shall determine whether the property will be sold.

Note: This appropriation requires six (6) affirmative votes.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-311 VOTED to open the correspondence from Michael C. Wood, Town Manager and Walter J. Kane, Town Solicitor regarding the developer of the Clock Tower building.

Motion by Councilor William A. Andrews. Seconded by Councilor

William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

Discussion: Michael C. Wood, Town Manager, requested that the item be tabled.

VOTED to table.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-312 VOTED to open the correspondence from Barbara A. VonVillas, Ph.D. Superintendent of Schools requesting the remaining CIP funds for school repairs.

Motion by Councilor William E. Gonyea. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns,

Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

Discussion: Barbara A. VonVillas, Ph.D., Superintendent of Schools, asked for pre-approval of a CIP allocation for repair of roofs and repair of the telephone communications system at Burrillville Middle School. Bids were to be opened on September 30, 2005. Councilor Margaret L. Dudley asked for an estimated cost. Gordon Richardson, Facilities Manager, indicated that there was a range of estimates for the communications system, the highest being \$45,000. There was discussion of the limitations of the current system and the capabilities expected from the new system.

VOTED to appropriate \$70,000 from the Capital Improvement Fund to the School Department.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-313 VOTED to open the correspondence from the Ordinance Subcommittee requesting clarification of the request for amendment to the Sunday license ordinance.

Motion by Councilor William. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

Discussion: Councilor William A. Andrews reviewed the fact that changes in State law eliminated Sunday licenses for most retail businesses but the ordinances reference Sunday licenses. Michael C. Wood, Town Manager, indicated that the ordinance subcommittee had discussed the matter and that no change in the ordinance was necessary because the ordinance merely references the general law.

VOTED to receive and file,

Motion by Councilor William A. Andrews. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-314 VOTED to receive with regret the correspondence from Kathan J. Mospaw regarding her resignation from the Burrillville

Narcotics Guidance Council and to send a letter.

Motion by Councilor William A. Andrews. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-315 VOTED to refer to the Screening Subcommittee the application of David Van Dyke regarding reappointment to the Burrillville Narcotics Guidance Council.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William A. Andrews. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-316 Correspondence from Councilor Jacqueline Zahn, Screening Subcommittee Chair, regarding the Committee recommendation: for the appointment of:

VOTED to appoint Jose Pedro to the Conservation Commission to

complete an unexpired term; term to expire March 31, 2006.

Motion by Councilor William E. Gonyea. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

VOTED to appoint Christine Mattera to the Narcotics Guidance Council for a three-year term to expire November 30, 2007.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

VOTED to appoint Michael Scurka to the Conservation Commission to complete an unexpired term; term to expire March 31, 2006.

Motion by Councilor Nancy F. Binns. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns,

**Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.
Councilor Jacqueline Zahn was excused.**

10. Town Clerk/Communication:

05-317 Resolutions of the Town Councils of the Towns of Little Compton and South Kingstown that those municipalities shall not exercise power of eminent domain upon private residential property and transfer it to a private developer.

Motion to support by Councilor William E. Gonyea. Seconded by Councilor Ronald E. Faford.

Discussion: Michael C. Wood, Town Manager, suggested that many municipalities are rushing to judgment on this issue and advised caution. The motion was withdrawn. Walter J. Kane, Town Solicitor, suggested that redevelopment might be impeded by the scope of some of the proposals. The motion and the second were withdrawn.

VOTED to table for further consideration.

Motion by Councilor William E. Gonyea. Seconded by Councilor Ronald E. Faford. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Councilor Jacqueline Zahn was excused.

05-318 VOTED to support the resolution of the Gloucester Town Council regarding their request for action that would exempt fuel tax placed upon taxpayers of Rhode Island.

Motion by Councilor William A. Andrews. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

05-319 VOTED to receive and open the correspondence from John P. Mainville, Finance Director regarding the status of various bids.

Motion by Councilor William E. Gonyea. Seconded by Councilor Margaret L. Dudley. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

Discussion: John P. Mainville, Finance Director, reviewed the status of bids for the Gateway project, the Town Hall generator and the field wall. Mr. Mainville discussed the town hall generator, which was bid

over budget twice, indicting that a generator would be purchased and installation considered separately.

VOTED to receive and file.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

11. VOTED to receive the following reports:

- 1. Town Treasurer: June, July, and August 2005**
- 2. Burrillville Sewer Commission: Report of August 2005 and Meetings of August 29, and September 1, 2005**
- 3. Tax Collector: August 2005**
- 4. Department of Public Works: August 2005**
- 5. Chief of Police: August 2005**
- 6. Office of Building Official: August 2005**
- 7. Animal Control Officer: August 2005**
- 8. Burrillville Housing Authority: Meeting of August 2, 2005**
- 9. Planning Board: Meetings of August 1, and August 22, 2005**
- 10. Zoning Board of Review: No report**

- 11. Town Planner: No report**
- 12. Parks and Recreation Department: September 2005**
- 13. Information Systems Department: September 2005**
- 14. Burrillville Conservation Commission: No report**
- 15. Juvenile Hearing Board: No report**
- 16. Ordinance Subcommittee: Meeting of July 20, 2005**
- 17. Redevelopment Agency: Meeting of July 26, 2005**
- 18. Route 102 Study Commission: No report**
- 19. BOSAP: No report**
- 20. Personnel Board: Meeting of August 16, 2005**
- 21. Screening Subcommittee: Meeting of August 25, 2005**
- 22. Downtown Pascoag and Neighborhood Association: No report**
- 23. Budget Board: No report**
- 24. Library Building Committee: Meetings of July 14, and August 11, 2005**
- 25. Burrillville School Committee: Meetings of April 12, May 10, June 14, June 28, and July 26, 2005**
- 26. Library Fundraising Committee: Meetings of August 17, and September 7, 2005**

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea.

Councilor Jacqueline Zahn was excused.

12. Additional New Business:

05-320 Request for Executive Session from Town Manager Michael C. Wood pursuant to Rhode Island Open Meeting Law §[42-46-5 (a)(5)] for discussions and considerations related to the acquisition, sale and exchange of real property and §42-46-5(a)(2) for discussions pertaining to IBPO collective bargaining.

Note: The request was withdrawn.

13. VOTED to adjourn at 8:55 P.M.

Motion by Councilor Margaret L. Dudley. Seconded by Councilor William E. Gonyea. The motion was unanimous by the six members present. Voting in favor of the motion were Council President Wallace F. Lees, Councilors William A. Andrews, Nancy F. Binns, Margaret L. Dudley, Ronald E. Faford and William E. Gonyea. Councilor Jacqueline Zahn was excused.

The meeting was taped. The tape is on file with the minutes.

Cynthia H. Ketcham, Deputy Town Clerk